

**Appl. No. : 10/534,674**  
**Filed : September 28, 2005**

**REMARKS**

The foregoing amendments and the following remarks are responsive to the July 1, 2008 Office Action. Claims 1 and 11 are amended, Claims 2-5 remain as previously presented, Claims 6-10 and 13-15 are canceled without prejudice, Claim 12 was previously canceled without prejudice, and new Claim 16 is added. Thus, Claims 1-5, 11, and 16 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

**Response to Rejection of Claims 1-11 and 13-15 Under 35 U.S.C. § 112, Second Paragraph**

In the July 1, 2008 Office Action, the Examiner rejects Claims 1-11 and 13-15 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended each of Claims 1 and 11 to recite a “mobile terminal having a local storage structure.” In addition, Claims 6-10 and 13-15 have been canceled without prejudice. Applicant submits that Claims 1-5 and 11 satisfy the requirements of 35 U.S.C. § 112, second paragraph, so Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1-5 and 11 and pass these claims to allowance.

**Response to Rejection of Claims 7, 10, and 15 Under 35 U.S.C. § 101**

In the July 1, 2008 Office Action, the Examiner rejects Claims 7, 10, and 15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant has canceled Claims 7, 10, and 15 without prejudice, reserving the right to pursue allowance of these claims through continuation practice. Applicant respectfully requests that the Examiner consider the patentability of the remaining pending claims.

**Response to Rejection of Claims 1-11 and 13-15 Under 35 U.S.C. § 102(e)**

In the July 1, 2008 Office Action, the Examiner rejects Claims 1-11 and 13-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,779,019 to Mousseau et al. (“Mousseau”).

Applicant has amended Claim 1 to recite a method of managing emails in a mobile email system, the mobile email system comprising a mobile terminal and an email server coupled to a static terminal and to a relay server. In addition, Applicant has amended Claim 11 to recite a method of managing documents in a mobile document system, the mobile document system comprising a mobile terminal and a document server coupled to a static terminal and to a relay

**Appl. No.** : 10/534,674  
**Filed** : September 28, 2005

server. Support for amended Claim 1 and amended Claim 11 is provided by the application as originally filed, including but not limited to, page 14, third paragraph to page 15, first paragraph and in Claims 8, 9, and 11 as originally filed.

A problem with mobile email systems is to provide mirroring of emails in a folder-based data storage structure between the mobile terminal and the static terminal without storing duplicate copies of all emails at the mobile terminal. Mousseau requires custom email servers and client software running on the mobile terminal and static terminal in order to send and receive control messages as emails through the firewall. Software operating at the mobile device and the host system synchronizes the folder hierarchy of the mobile device with the folder hierarchy of the host system using the control messages. However, this restricts the choice of email servers available to the system administrator and the choice of client software available to the user.

The method of managing emails in a mobile email system recited in Claim 1, includes, *inter alia*, “sending said move command from said mobile terminal to said relay server; sending a protocol email containing said move command from said relay server to said user’s single address; and retrieving, at said static terminal, said protocol email from said email server.” In this way, the mobile terminal and relay server may reside outside the firewall and exchange control messages (the move command), and the relay server may forward the move command as an email message through the firewall to the email server, for retrieving by the static terminal. Thus, standard email servers and client software may be used on the mobile terminal and on the static terminal, because the relay server relays control messages from the mobile terminal (not necessarily in email form) to the email server and the static terminal inside the firewall (in email form).

Mousseau does not contemplate how to provide synchronization without using custom email servers and client software. It is respectfully submitted that the subject matter of amended Claim 1 is novel and provides an inventive step over the prior art disclosure of Mousseau, so that amended Claim 1 is patentably distinguished over Mousseau. Similarly, it is respectfully submitted that the subject matter of amended Claim 11 is novel and provides an inventive step over the prior art disclosure of Mousseau, so that amended Claim 11 is patentably distinguished over Mousseau.

**Appl. No.** : 10/534,674  
**Filed** : September 28, 2005

Each of Claims 2-5 depends directly from amended Claim 1, so each of these claims includes all the features of amended Claim 1 as well as other features of particular utility. For at least the reasons stated above with regard to amended Claim 1, Applicant submits that Claims 2-5 are patentably distinguished over Mousseau. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1-5 and 11 and pass these claims to allowance.

#### **Comments on New Claim 16**

Applicant has added new Claim 16 and submits that at least for reasons similar to those discussed above with regard to amended Claim 1, Claim 16 is patentably distinguished over Mousseau. Applicant respectfully requests that the Examiner consider the patentability of Claim 16.

#### **No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

#### **Co-Pending Applications of Assignee**

Applicant wishes to draw to the Examiner's attention to the following co-pending applications of the present application's assignee.

<b>Serial Number</b>	<b>Title</b>	<b>Filed</b>
10/515,007	DATA COMMUNICATIONS SYSTEM USING E-MAIL TUNNELLING	August 4, 2005

#### **Summary**

For the foregoing reasons, Applicant submits that Claims 1-5, 11, and 16 are in condition for allowance, and Applicant respectfully requests such action.

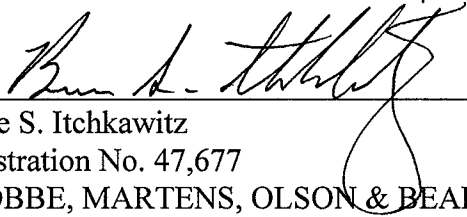
Appl. No. : 10/534,674  
Filed : September 28, 2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: 10/23/08

By:

  
Bruce S. Itchkawitz  
Registration No. 47,677  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404

6125410  
102208